

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
KENNETH M. HERVOCHON,

Index No.: 14-CV-6017 (CS)

Plaintiff,

-against-

IONA COLLEGE,

Defendant/Third-Party Plaintiff,

-against-

HENNESSEY CONSTRUCTION CO., INC.,

Third-Party Defendant,  
Fourth-Party Plaintiff

-against-

GOTHAM INSURANCE COMPANY,

Fourth-Party Defendant.

-----X  
IONA COLLEGE,

Defendant, Third-Party Plaintiff,  
Second Third-Party Defendant,

-against-

GOTHAM INSURANCE COMPANY,

Second Third-Party Defendant.

-----X  
**NOTICE OF MOTION**

**MOTION BY:**

Plaintiff Kenneth M. Hervochon

**DATE, TIME AND  
PLACE OF HEARING:**

Oral argument date to be set:  
United States District Court,  
Southern District of New York

**SUPPORTING PAPERS:**

Affirmation of William G. Kelly, Esq., with attached exhibits, 56.1 Statement, Memorandum of Law, and all prior pleadings and proceedings.

**RELIEF DEMANDED:**

(1) Pursuant to Federal Rules of Civil Practice Rule 56 for Summary Judgment on Labor Law § 240(1); and

(2) For such other and further relief as this Court may deem just and proper.

Dated: White Plains, New York  
October 8, 2015

GOLDBERG SEGALLA, LLP

By: /s/ William G. Kelly  
William G. Kelly, Esq.  
Attorneys for Plaintiff  
11 Martine Avenue, Suite 750  
White Plains, New York 10606-1934  
(914) 798-5400  
File #: 7808.0001

TO: Joshua Hackman, Esq.  
Menz Bonner Komar & Koenigsberg LLP  
444 Madison Avenue, 39<sup>th</sup> Floor  
New York, NY 10022  
Attorneys for Third-Party Defendant Hennessey Construction

Peter A. Meisels, Esq.  
Wilson Elser Moskowitz Edelman & Dicker LLP  
1133 Westchester Avenue  
White Plains, NY 10604  
Attorneys for Defendant Iona College

Ann Odelson, Esq.  
Carroll, McNulty & Kull, LLC  
570 Lexington Avenue  
8<sup>th</sup> Floor  
New York, NY 10022  
Attorneys for Third-Party Defendant Gotham Insurance Company